

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

Gregory Wimberly,

Civil No. 08-4841 (DWF/JJG)

Petitioner,

v.

**ORDER ON REPORT AND
RECOMMENDATION**

Warden Fenies of M.C.F. Lino Lakes,

Respondent.

Gregory Wimberly, *Pro Se*, Petitioner.

Michael J. Lieberg, Assistant Stearns County Attorney, Stearns County Attorney's Office; Peter R. Marker, Assistant Attorney General, Minnesota Attorney General's Office, counsel for Respondent.

The above-entitled matter came before the Court upon the Report and Recommendation of United States Magistrate Judge Jeanne J. Graham. No objections have been filed to that Report and Recommendation in the time period permitted.

Based upon the Report and Recommendation of Magistrate Judge Graham, and all the files, records and proceedings herein,

IT IS HEREBY ORDERED that the petition under 28 U.S.C. § 2254 for a writ of habeas corpus (Doc. No. 1) is **DENIED** and that this case is **DISMISSED WITH PREJUDICE**.

LET JUDGMENT BE ENTERED ACCORDINGLY.

Dated: May 13, 2009

s/Donovan W. Frank
DONOVAN W. FRANK
Judge of United States District Court